

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FREDI ARMANDO GONZALEZ DE-LEON :

Petitioner :

V. :

CIVIL NO. 1: CV-00-0702

JANET RENO, ET AL., :

(Judge Caldwell)

RESPONDENTS :

18
FILED
HARRISBURG

DEC 29 2000

MARY E. D'ANDREA, CLE
Per [Signature]
DEPUTY CLERK

Comes now, petitioner Fredi Armando Gonzalez De-Leon, pro se and hereby present it's response to the Dec.22, 2000 order from this honorable court asking the petitioner to notify the court on wheather respondent's representati-
ons are true. The petitioner is still challenging his continued detention by the Immigration and Naturalization Service (The Service) on the necessity to keep him under it's custody, while the Immigration Judge (Ij) had said numerous times that he does not represent a danger to society. (See Ij's written Memorandum on bond decision sent by petitioner to this court entitle suplement document to the court.) See also enclosed exhibits and matter of Said Boyad-
Civil Action NO.,99-57-84.

While it's true that petitioner concurred at one time with the I.N.S. appeal because his father was seriously ill and was going thru a surgery back at his Country's hospital. Petitioner's decision by then was made under this emergency action. Petitioner's request to the B.I.A. came only after three months of said petition when this was not anymore of such emergency, having waited most of it's time from the appeal. Petitioner withdraw his motion to expedite and previous letters, the B.I.A. When ahead with the briefing schedule on the merits appeal. Petitioner still hopes to get relief from this honorable court to return to his wife and son, also to help his father in this hard time for his family.

Sincerely;

[Signature]

12/26/2000

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS
FALLS CHURCH, VIRGINIA

<u>In the Matter of</u>	x	
Gonzalez-D'Leon, Fredi Armando,	x	FILE No.: A# 70-944-868
Respondent.	x	
	x	<u>IN REMOVAL PROCEEDINGS</u>

MOTION TO WITHDRAW EXPEDITING REMOVAL APPLICATION

Now Comes, Fredi Armando Gonzalez-D'Leon, pro se, moves this Honorable Board to withdrawn his application for expediting removal filed with this Board on June 6, 2000, which was not voluntary and avers the following in support of his claims:

1. On May 3rd, 2000, applicant was granted adjustment of status and was order released on his own recognizance.
2. On May 3rd, 2000, the INS appealed the Immigration Judge's (IJ) decision, filed EOIR-43, which stayed the bond order.
3. On May, 2000, applicant learnt that his father was seriously ill and wanted to be at his father's side during this period.
4. On or about May 20, 2000, applicant requested an order of removal from the Immigration Judge (IJ) to be with his father.

5. On May 31, 2000, applicant requested permission from the Immigration Board of Appeals to withdraw his application for adjustment of status to permit the INS to deport him.

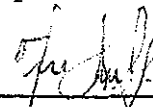
6. On July 6, 2000, applicant with the incessant assistance of Assistant District Counsel, requested the Board to stop the cycle and order him removed.

7. The Assistant District Counsel assisted applicant by recommending and directing the writing of the Motion to Expedite Removal.

8. The Assistant District Counsel referred my file, without my permission and knowledge, to Nationalities Service Center for assistance in my Removal.

Wherefore, applicant requests that this Board withdraw the expedited Removal application previously filed with the Board and proceed with the adjudication of the INS appeal.

Respectfully submitted,



GONZALEZ-D'LEON, F. ARMANDO

CERTIFICATE OF SERVICE

I hereby certify that on this day of August , 2000.
A true and correct copy of the foregoing brief of Fredi Armando Gonzalez-D'Leon was mailed, First Class, Postage Prepaid to:

NATIONALITIES SERVICE CENTER

1300 SPRUCE STREET, PHILADELPHIA, PA. 19107-5812 . 215-893-8400 . FAX 215-735-9718 . E-MAIL NATSERVCTR@ACLCOM

August 11, 2000

Fredi Armando Gonzalez De-Leon
#57441
York County Prison
3400 Concord Rd.
York, PA 17402

Dear Mr. Gonzales-DeLeon,

I am writing you from the Nationalities Service Center. The District Attorney assigned to your case faxed us some information about you. He also mentioned that you want to withdraw your appeal so that you can be released and sent to your country of origin. If this is the case, we may be able to help you. Please write me back as soon as you can and explain your situation. Include your case history and documents so that we can fully understand the procedural and substantive background of your case.

Please be aware that this letter will serve consultation purposes only. This agency has not yet determined whether to represent you in your case. If you have any questions, you may contact us at any time at the above address. I look forward to hearing from you soon.

Respectfully,


Anna Mlynarska

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NNF-2A

6/28/1998

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OUR MEDICAL RECORDS INDICATE THAT THE FOLLOWING CHILD:

FREDI ARMANDO GONZALEZ-MEDINA

WAS BORN IN THIS FACILITY

ON 06/27/1998 AT 2130 HOURS

MOTHER'S MAIDEN NAME: EDITH AZUCENA MEDINA

MOTHER'S BIRTH PLACE: EL SLVDR

DOB: 12/02/1972

SEX OF CHILD: MALE

BIRTH ATTENDANT: MA. LOURDES R SISANTE, MD

Josephine J. Smith

HOSPITAL REPRESENTATIVE

RECEIVED
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IMMIGRATION COURT
NEW YORK, NEW YORK